

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**FRED BECK, ET AL
(Kenesha Barnes on Behalf of the Estate of
Sherry Barnes)**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:03CV-60-P-D

KOPPERS INDUSTRIES, ET AL

DEFENDANTS

ORDER

This matter comes before the court upon Kenesha Barnes' Motion for Order Granting Stay of Execution of Cost Bill or, in the Alternative, Stay Based upon the Setting of an Appropriate Bond [1117-1]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

The motion should be denied insofar as it seeks to stay execution of the cost bill pending appeal of said cost bill based on inability to pay. The motion should be granted insofar as Barnes seeks a stay of execution of the \$79,163.95 cost bill awarded to Defendant Illinois Central Railroad Company upon the setting of a supersedeas bond.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Kenesha Barnes' Motion for Order Granting Stay of Execution of Cost Bill or, in the Alternative, Stay Based upon the Setting of an Appropriate Bond [1117-1] is **GRANTED** insofar as Barnes seeks a stay of execution of the \$79,163.95 cost bill awarded to Defendant Illinois Central Railroad Company upon the setting of a supersedeas bond; therefore,

(2) Execution of the \$79,163.95 cost bill awarded to Defendant Illinois Central Railroad Company will be stayed only upon the plaintiff posting a supersedeas bond covering:

(a) the amount of the cost bill awarded to Illinois Central Railroad Company in the amount of \$79,163.95;

(b) the costs of the plaintiff's appeal to the Fifth Circuit Court of Appeals of this court's September 28, 2006 Order overruling the plaintiff's objection to the cost bill; and

(c) the amount of interest that will legally accrue until the stay of execution of the cost bill is lifted; and

(3) The parties are to inform the court when the aforementioned supersedeas bond has been issued whereupon this court will enter a stay of execution of the cost bill until resolution of the appeal.

SO ORDERED this the 30th day of January, A.D., 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE